

UNITED STATES CITIZENSHIP LAW OUTLINE

Judge Jack H. Weil

Objectives:

After studying this outline, you should be able to:

1. Identify the four methods of obtaining United States citizenship most commonly litigated before an immigration judge.
2. Summarize the statutory requirements of the four methods of obtaining United States citizenship most commonly litigated before an immigration judge.
3. Assess whether an individual appearing before you has a potential United States citizenship claim.
4. List resources available to assist you in resolving a United States citizenship issue.
5. Describe the significance of a claim of United States citizenship in immigration proceedings.
6. Explain how an immigration judge should procedurally handle a claim of United States citizenship.

United States Citizenship Law

**By
Judge Jack H. Weil**

I. Introduction

- A. The law to determine whether a particular individual is a United States citizen is complicated and has changed frequently.
- B. The purpose of this outline is not to set forth the substantive law on United States citizenship but rather to assist the new immigration judge to understand the importance of the U.S. citizenship issue in immigration proceedings, to assist the new immigration judge in recognizing the existence of a potential U.S. citizenship claim and to provide the new immigration judge with guidance as to how to substantively and procedurally handle a claim to U.S. citizenship in immigration proceedings.

II. Four Most Common Methods of Obtaining United States Citizenship Litigated Before an Immigration Judge

- A. The four most common methods of obtaining United States citizenship litigated before an immigration judge are by:
 - 1. **Birth** in the United States or in an outlying possession of the United States.
 - 2. **Acquisition** at birth.
 - 3. **Naturalization**.
 - 4. **Derivation** after birth.

III. **Statutory Requirements & Most Litigated Issues of These Four Methods of Obtaining U.S. Citizenship**

A. **Citizenship by Birth in U.S. or Outlying Possession**

1. **Statutory requirements** – All persons born in the United States and in certain territories controlled by the U.S. are citizens of the United States. 14th Amendment to U.S. Constitution; INA 301(a)&(b); INA 302 & 304-307.
 - a. “United States” defined at INA 101(a)(38).
 - b. “Outlying Possession” defined at INA 101(a)(29).
 - c. Citizenship based upon birthplace is called *Jus Soli*.
 - d. **Exception**: Children of diplomats born in the U.S. do not acquire United States citizenship as they are not subject to the jurisdiction of the United States.

2. **Most Commonly Litigated Issues Regarding Citizenship by Birth in U.S. or Outlying Possession**

- a. **Whether the respondent was born in the U.S.?** – Especially in the migrant farm worker population, in rural communities, and with older respondents, it is not uncommon for a respondent to have little evidence that he/she was born in the United States (e.g., a baby delivered on a remote ranch by a mid-wife). In some cases, no birth certificate or registration was recorded. In some situations, a late or delayed birth registration may have been made. The judge must assess the validity and reliability of all birth certificates offered. In cases where no birth certificate is offered, the immigration judge must collect other evidence of place of birth including, but not limited to, baptismal certificates, affidavits, respondent and witness testimony, medical records, photographs, tax returns of parents listing the respondent as a dependent, and proof of younger and older siblings born in the United States. The Department of Homeland Security may present respondent’s own oral or written statement that he/she was born abroad from the current or a prior immigration arrest as evidence of place of birth. The respondent will often admit that he/she made these statements but claim that he/she lied about the place of

birth to be voluntarily returned or deported quickly rather than undergo detention and litigate his/her claim of U.S. citizenship. The judge must assess the reliability or probative value of all evidence of birth in the United States or an outlying possession and make a factual determination as to whether the respondent was born in the United States.

- b. **Identity of the Respondent?** – Most respondents born in the United States should be able to present a certified copy of their birth certificate issued by a governmental agency. The issue that frequently arises, however, is whether the respondent truly is the person for whom the offered birth certificate was issued or an impostor. The judge may examine the respondent regarding his/her knowledge of the information contained in the birth certificate (e.g., parents' names and dates of birth) or require that the respondent produce other evidence of identity. Some respondents will present a birth certificate belonging to a sibling or other U.S.-born relative. It is also not unheard of for a respondent to adopt the identity of a deceased U.S. citizen. In these cases, public death records or obituaries that can be found on computer services such as Westlaw or on the Internet may prove helpful. The Department of Homeland Security may also be able to access EPIC, a computer database of birth records that have been presented fraudulently. Identity issues are often complicated by respondent's use of aliases or by inaccurate recording of foreign names in official records.

- B. **Citizenship by Acquisition at Birth** – A child born outside the United States where one or both parents are United States citizens may acquire citizenship at birth provided certain requirements are met.

- 1. **Statutory Requirements** – For a child to acquire U.S. citizenship at birth, the citizen parent must reside in the United States for certain time periods prior to the birth of the child. INA 301(c)-(e), (g)&(h). See, Acquisition Chart to determine the period a parent must reside in the U.S. before a child's birth in order to transmit citizenship to the child.
 - a. "Residence" means the principal dwelling place without regard to intent.

- b. Children Born Out-of Wedlock - Separate rules governing acquisition of citizenship by a child born out-of-wedlock are contained at INA 309. The requirements for a child born out-of-wedlock to acquire citizenship through a USC father are different and more stringent than for an out-of-wedlock child to acquire through a USC mother.
- c. Retention Requirements - Previously enacted requirements that a child who acquired citizenship at birth had to reside in the United States to retain citizenship have been retroactively repealed.

2. **Most Commonly Litigated Issues Regarding Acquisition at Birth**

- a. **Whether the parent resided in the U.S. for the requisite period of time prior to the child's birth?** The period of time a parent must reside in the U.S. prior to the birth of a child for that child to have acquired U.S. citizenship at birth is determined by statute. BE CAREFUL – THE LAW IN THIS AREA IS GENERALLY NOT RETROACTIVE AND THE LAW IN EFFECT ON THE DATE OF BIRTH OF THE CHILD IS GENERALLY THE LAW THAT GOVERNS. THE GOVERNING LAW IS NOT NECESSARILY THE LAW PRINTED IN YOUR CURRENT VERSION OF THE INA. CONSULT THE ACQUISITION CHARTS FOR THE APPLICABLE LAW! One of the most commonly litigated issues is whether the parent did in fact reside in the U.S. for the requisite time period prior to the birth of the child. This is especially difficult to determine where the memory of the parents regarding the dates and places they resided in the U.S. is faulty or where the parents resided in and out of the U.S. during the applicable years as is often the case with seasonal agricultural workers. Sometimes it is necessary to piece together different pieces of evidence of the time the parent resided in the U.S. almost like a jigsaw puzzle to put together the complete picture of when and where the parent resided before the child's birth. Common types of evidence offered to prove the requisite residence often include, but are not limited to, military records of the parent; school records; testimony or affidavits of individuals aware of the parent's residence; tax returns; work and employee benefit records; real estate documents; medical records; social security records. One must often be creative. I recall a case where a

respondent was able to demonstrate the requisite presence of his father by offering prison records showing that his father was serving time in a U.S. prison during the requisite time before the respondent's birth. Certain time periods a parent is outside the United States may still count towards the residency requirement such as time serving in the U.S. military or working for the U.S. government abroad.

- b. **Whether the father of a child born out-of-wedlock meets the additional requirements of INA 309 for the child to acquire citizenship at birth?** - Whether a child born out-of-wedlock can acquire citizenship based upon the citizen parent's residence in the U.S. prior to the time of the child's birth depends on whether the parent can meet the additional requirements of INA 309. Commonly litigated issues under INA 309 are whether the father executed the written promise to support the child prior to the child's eighteenth birthday and whether the child was legitimate under the law of the child's residence or domicile. Attacks to the constitutionality of these additional requirements to acquire citizenship on equal protection grounds have been unsuccessful to date.
- c. **Whether the "parent" through whom the child is claiming to have acquired citizenship is really a natural parent of the child?** Sometimes an issue may arise as to whether the "parent" through whom the child claims to have acquired citizenship is really the child's natural parent. This issue often comes up because the parent is not listed on the child's birth certificate, there is reason to believe that the information on the birth certificate is not reliable or evidence comes to light at hearing that draws into question who is the biological parent of the respondent. For example, a respondent born in Korea claims that his natural father was an American soldier serving in Korea during the Korean War. The issue of whether the parent through whom the child is trying to acquire citizenship at birth is the true parent can be resolved by blood or DNA testing.

C. **Citizenship by Naturalization**

- 1. **Statutory Requirements**
 - a. Must reside in U.S. for 5 years subsequent to admission as a lawful permanent resident. Battered spouses and

- applicants immigrated through a U.S. citizen spouse of 3 years need only reside in U.S. for 3 years.
- b. Must be physically present in the United States for half of the applicable 5 or 3 year residence period.
 - c. Must be of good moral character during the qualifying period. See, INA 101(f) (“good moral character” defined).
 - d. Must be a lawful permanent resident or have qualifying military service.
 - e. Must be over 18 years old (unless waived for military service).
 - f. Must reside in U.S. from date of application to date of admission to citizenship. INA 316.
 - g. Must not be absent from U.S. for more than one year unless excused by statute.
 - h. Must be attached to principles of the U.S. Constitution and well disposed to good order and happiness of the U.S.
 - i. Must be willing to fulfill obligations of the oath of citizenship.
 - j. Must not be otherwise barred by INA 313 – 316.
 - k. Must pass civics and English exam unless excused.
 - l. There are other naturalization programs not mentioned above such as for veterans.

2. **Most Commonly Litigated Issues Regarding Naturalization**

- a. **Whether an alien who has been approved for naturalization and signed documents containing the text of the oath of citizenship is a U.S. citizen?** While IJs have the authority, with the approval of OCIJ, to administer the oath of citizenship at a naturalization ceremony, IJs do not have the authority to adjudicate an application for naturalization. (Form N-400). This must be done by DHS. An alien who is eligible for naturalization or whose application for naturalization has been approved by DHS is not a U.S. citizen until an authorized official administers the oath of citizenship. Signing a document containing a written copy of the oath and stating that one is willing to take the oral oath at a later time does not make one a U.S. citizen. The Attorney General has authority to stay naturalization while removal proceedings are completed. INA 318. However, the fact that an alien is subject to removal will not necessarily bar naturalization. All naturalized citizens should be able to produce an original naturalization certificate or DHS should have a record of the same. For this reason, the

issue of whether a respondent is a naturalized U.S. citizen is not often litigated.

- D. **Citizenship by Derivation after Birth** – A child born outside the U.S. may become a U.S. citizen by virtue of naturalization of one or both parents. INA 320.

1. **Statutory Requirements**

- a. **Prior Law** – A child could derive citizenship if both parents or the parent with legal custody naturalized while the child was under 18 and the child was residing in the U.S. as a lawful permanent resident in the custody of that parent.
- b. **Current Law** – For a child to derive citizenship, the parent must be a United States citizen by birth or naturalization, the child must be under the age of 18, the child must be a lawful permanent resident, the child must reside in the legal and physical custody of the USC parent.
 - 1) **Effective date issues** – The current law enacted as part of the Child Citizenship Act of 2001 does not apply retroactively. In other words, the child must be under eighteen years old as of 2-27-2001 to benefit from the Act.
- c. “Legal custody” includes a child living with: both married parents, a surviving parent, a natural parent of a child born out-of-wedlock who legitimated the child, a parent receiving custody pursuant to an adoption decree or a parent awarded custody by a court of law in a divorce.
- d. Step-children are not covered.

2. **Most Commonly Litigated Issues Regarding Derivation After Birth**

- a. **Which law applies?** The new law regarding derivation is not retroactive and only applies to children under eighteen when the new law took effect. A chart showing when the old law and the new law apply is included in your materials.
- b. **Whether the parent has the requisite legal custody necessary for the child to derive citizenship?** Under the old law, a child could only derive citizenship if the parent(s) having legal custody naturalized before the child turned eighteen. Where the child lived with both natural parents who were married, BOTH parents had to naturalize before the child turned eighteen for the child to

derive citizenship. Where both parents are alive but not living together, the child could only derive citizenship through one parent if there was a legal separation and the naturalized parent had legal, not just physical custody, of the child. The fact that the parents have physically separated and decided on their own without legal action not to live together or to end the marriage is not sufficient. The Government has traditionally found that a child can derive citizenship through a parent that has been awarded joint custody by a court in a divorce. A child can also derive citizenship through one parent if the other parent is deceased. In some cases, the respondent has lost contact with one natural parent and does not know if that alien parent deceased before the child turned eighteen so as to have derived citizenship through the surviving parent. The respondent's ability to prove a claim of derived citizenship may depend on his ability to locate reliable evidence that the alien parent deceased before his eighteenth birthday. Evidence offered to provide derivation often includes, but is not limited to, the birth certificate of the child; proof of termination of marriages; proof parent is a USC; document awarding legal custody in a divorce, separation, or adoption; proof child is a lawful permanent resident.

- c. **Whether the “parent” through who the child is claim to have derived citizenship is really a natural parent of the child?** See, III(B)(2)(c) above.

IV. **How to Determine Whether a Respondent has a Potential U.S. Citizenship Claim**

- A. **Situations in Which a Citizenship Claim Commonly Arises** - The issue of whether a respondent is a U.S. citizen generally arises in one of the following four situations before an IJ:
 - 1. **In a Removal Hearing** – The Notice to Appear, the charging document in removal proceedings, alleges that the respondent is not a citizen or national of the United States. The respondent may deny or not be able to admit this factual allegation and raise a claim of U.S. citizenship. The respondent may also deny all or part of the second allegation in the NTA that usually states that the respondent is a native and citizen of a foreign country.

2. **In a Bond Hearing** – DHS has the authority to detain aliens during a removal proceeding. They do not have legal authority to detain citizens. The respondent in a bond hearing may claim that he is not subject to lawful detention because he is a U.S. citizen, not an alien.
3. **In a Claimed Status Review Hearing** – A respondent may come to the border and request admission claiming to be a United States citizen. If the inspector does not believe the respondent is, in fact, a U.S. citizen he/she may prepare an order of removal against the declarant. The declarant has the right to request review of this order by an immigration judge. In such cases, a charging document is filed with the immigration court noting that the respondent claims to be a U.S. citizen. It is up to the judge to determine whether the respondent is a U.S. citizen.
4. **In a Motion to Terminate Proceedings** – A party may file a written motion to terminate removal proceedings on the ground that the respondent is a U.S. citizen and therefore not subject to removal. The motion may come before or after a hearing has been held in the matter. A party may also make an oral motion to terminate based upon a claim to citizenship during a hearing in the case. In deciding whether to grant or deny the motion, the IJ must decide whether the respondent is a U.S. citizen.

B. **How to Recognize a Potential Claim to U.S. Citizenship** – If a respondent raises a claim to U.S. citizenship, it is incumbent upon the judge to inquire and determine whether the legal requisites for U.S. citizenship are present. Most respondents who are born in the U.S. or naturalized citizens are aware of the same and have access to official government issued documents to prove it. However, many aliens who may have acquired U.S. citizenship at birth or who have derived U.S. citizenship after birth are totally unaware that they have a potential claim of U.S. citizenship until they are advised of the same by the IJ. The law in this area is so complicated that many attorneys may also not be aware that their clients have a potential claim to U.S. citizenship. In such cases, it is incumbent upon the IJ to advise the respondent of the legal requisites to prove the claim and give the respondent an opportunity to collect evidence to see if the citizenship claim is sustainable. The judge should make sure that there is a factual basis for a respondent's admissions that he is not a citizen or national of the United States.

1. **Investigatory Questions** – There are certain precursory questions an IJ can ask to see whether a respondent has a

potential citizenship claim. If the answer to these questions is in the affirmative, then a more in-depth inquiry is needed to see if the remaining legal requirements to establish a citizenship claim are present. The precursory questions are:

- a. Were you born in the United States or a territory controlled by the United States?
- b. Did you ever apply for naturalization in the United States?
- c. Is either of your parents born in the United States? If so, did the parent live in the United States prior to your birth?
- d. Is either of your parents a U.S. citizen by naturalization? If so, did the parent naturalize before you reached the age of eighteen?

2. **Generational Linked Citizenship Claims** – The IJ needs to be alert that there can be generational linking of citizenship claims. In other words, if the respondent's grandparent is a U.S. citizen and all requirements to acquire or derive citizenship are met, the citizenship may pass from the grandparent to the respondent's parent. Once this is established, it is necessary to see whether the respondent acquired or derived citizenship through his parent. If so, the respondent is a U.S. citizen. It is important to note that the citizenship passes from one generation to the next (i.e., from parent to child). Citizenship does not pass directly from the grandparent to the child.

V. Resources Available to Assist in Resolving a Citizenship Issue

- A. **Researching Claims Thorough Birth or Naturalization** – Issues regarding whether a respondent is a U.S. citizen through birth in the U.S. or territory or through naturalization are fairly straight forward and can be researched using standard legal research methods and resources (i.e., statutes, case law, law reviews, etc.). **It is always important with any U.S. citizenship issue to pay careful attention to the effective date of a particular citizenship law.** It is quite common for a respondent or attorney to come into court arguing that the respondent is a U.S. citizen and citing a statutory section without paying attention that the version of the statute cited is not the version that applies to that particular respondent. I find that the edition of the INA published by Mathew Bender & Co., Inc. is the most helpful in researching citizenship issues because amended statutory sections contain footnotes with effective date information that is not contained in other editions of the statute such as that published by the Government Printing Office.

- B. **Researching Claims Through Acquisition or Derivation** – The best place to begin research into whether a respondent acquired or derived citizenship is with the acquisition and derivation charts attached to these materials. These charts give an overview of the statutory requirements necessary to acquire or derive citizenship applicable to a particular respondent and also contain a reference to the statutory section of the INA where this law is or was found. There are separate charts for children born in-wedlock and out-of-wedlock. The charts provide useful guidance in a summary format but to be safe it is also important to read the referenced statutory section as well. From this point, standard legal research methods and resources should suffice.

VI. **Significance of the United States Citizenship Issue in Immigration Proceedings** – The significance of the citizenship determination depends upon whether the issue arises in a bond, removal, or claimed status review proceeding.

- A. **In Bond & Removal Proceedings** – In bond and removal proceedings, the citizenship issue goes to the center of the immigration court's jurisdiction or legal authority in the matter. The U.S. Government has no jurisdiction or legal authority to detain or remove a United States citizen. If the respondent is a U.S. citizen, he should be released and removal proceedings should be terminated. The fact the respondent has been deported before is not dispositive. A U.S. citizen does not lose his citizenship by virtue of being deported. Further, principles of *res judicata* or administrative estoppel should not be used to bar a U.S. citizen from presenting his citizenship claim in removal proceedings as the court must always be convinced it has legal authority or jurisdiction to preside over the matter.
- B. **In a Claimed Status Review Proceeding** – In a claimed status review proceeding, the inspecting officer has found that the respondent is not a U.S. citizen and has entered a removal order against the respondent. These cases frequently arise when an alien arrives at a port of entry and requests admission as a U.S. citizen. The respondent has the right to have the determination that he is not a U.S. citizen and the corresponding order of removal reviewed by an IJ. The significance of the citizenship determination of the IJ in a claimed status review proceeding is twofold:
1. There is no right of appeal for either party from the citizenship determination of an IJ in a claimed status review proceeding. This means that if the IJ determines that the respondent is not a U.S. citizen, the respondent will be removed from the U.S. with no right to appeal.
 2. If the IJ determines that the respondent is a U.S. citizen, then the officer's order of removal is vacated and the respondent

will be admitted into the United States as a U.S. citizen. Equally as important is the fact that DHS is legally prohibited from putting a respondent in removal proceedings if an IJ has determined that the respondent is a U.S. citizen in a claimed status review proceeding.

VII. How to Handle a Claim of United States Citizenship in a Removal Proceeding

- A. Burden of Proof & Persuasion - The first thing to understand when presiding over a U.S. citizenship claim is who bears the respective burden of proof and burden of persuasion or going forward.
1. The Government always bears the burden of proving by clear and convincing evidence that the respondent is an alien (i.e., alienage). This burden never shifts.
 2. To meet this burden, the Government generally begins by offering probative evidence that the respondent was born abroad. This may include, but is not limited to, a properly authenticated certificate of birth in a foreign country or even the respondent's own pleading or admission that the allegation in the Notice to Appear that he/she is a native of a foreign country is true.
 3. **Proof of birth abroad gives rise to a rebuttable presumption that the respondent is an alien.** The burden of persuasion, not the burden of proof, then shifts to the respondent to rebut the presumption of alienage. The respondent may rebut the presumption of alienage by offering *prima facie* evidence that he/she is a U.S. citizen by birth in the U.S. or a territory, by acquisition at birth, by derivation after birth, by naturalization or by other means.
 4. If the respondent does establish a *prima facie* claim of citizenship, then the burden of persuasion shifts back to the Government to prove that the respondent is an alien.
 5. If the Government is successful in proving that the respondent is an alien, the court must then determine whether the remaining allegations in the charging document are true as a matter of fact and whether the charges of removability are true as a matter of law.
 6. If the court determines that the Government has failed to prove that the respondent is an alien, then the court must conclude that the Government has not met their burden of proving the removal charge is true and must terminate the removal proceeding.
 7. The issue in a removal proceeding is whether the Government has proven that the charge that the respondent is an alien subject to removal is true or false. The judge must find

whether the Government has proven by clear and convincing evidence that the respondent is an alien. To decide whether the respondent is an alien subject to removal does not require the judge to make a finding that the respondent is, in fact, a citizen. In my orders, I note “the Government has not proven by clear and convincing evidence that the respondent is an alien” or “removal proceedings are terminated because it appears that the respondent may have a viable claim to U.S. citizenship.” An express finding that an alien is a U.S. citizen is not necessary to resolution of the issues in the case and, in any event, IJs have no authority to issue any proof of citizenship. I generally recommend that respondents who appear to be U.S. citizens apply for a certificate of citizenship (Form N-600) or a U.S. passport at the conclusion of the proceeding and let the Department of Homeland Security or Department of State make the express finding that the respondent is a citizen.

8. As mentioned above, a respondent may file a motion to terminate the removal proceeding on the ground that he is a U.S. citizen. If the evidence of citizenship offered with the motion to terminate is persuasive, I will generally ask the Government to review the evidence and see if they are willing to stipulate to termination. If the Government is willing to stipulate to termination of proceedings, I prepare an order terminating proceedings and have both parties sign it. If the Government is not willing to stipulate to termination, then the issue goes to hearing. Since the issue of whether the respondent is a U.S. citizen is central to the court’s jurisdiction to hear the matter and to the court’s ultimate finding on removability and since U.S. citizen issues are often so complex, my personal preference is to hear oral argument on motions to terminate at the individual hearing on the matter and rule on the motion in my oral decision in the case.

XXI. How to Handle a Claim of United States Citizenship in a Claimed Status Review Proceeding

- A. In a removal proceeding, the Government bears the burden of proving that the respondent is an alien. In a claimed status review proceeding, the respondent bears the burden of proving that he/she does possess the status claimed. As a practical matter, however, the collection of evidence in a claimed status review proceeding proceeds the same as in a removal proceeding (i.e., the Government presents proof of alienage and the applicant presents proof that he/she is a U.S. citizen).

- B. The procedural difference between a claimed status review proceeding and a removal proceeding is that in a removal proceeding the IJ determines whether the Government has proven that the respondent is an alien and need not make any express finding of citizenship. In a claimed status review proceeding, the IJ must make an express determination as to whether the respondent does possess the status of U.S. citizen as claimed. In a removal proceeding, the IJ terminates the proceeding if he/she believes that the respondent may be a U.S. citizen. In a claimed status review proceeding, the judge reviews the determination of an inspecting officer that the respondent is not a U.S. citizen and enters an order either affirming or vacating the officer's order of removal.
- C. There is no right of appeal in a claimed status review proceeding and the Government is then prohibited from placing a respondent who has been found to be a U.S. citizen in a claimed status review proceeding into removal proceedings at a later date.
- D. The IJ has no bond or custody authority in a claimed status review proceeding.
- E. In some claimed status review cases, because of complexity of the issues, difficulty in collecting evidence, time constraints on completing the proceeding, lack of bond and custody authority, the permanent nature of the order, and lack of a right of appeal, it is advantageous to all parties involved to terminate the claimed status review proceeding and have the respondent placed in removal proceedings instead. This is only done with the advance consent of all parties involved. I have also had cases where the claimant in the claimed status review proceeding, by agreement of the parties, will be allowed to withdraw his/her application for admission. This is generally where the respondent wishes to return to the country from which he/she is seeking admission and obtain his/her proof of legal status from there rather than litigate the issue while detained. In the above situations, I enter a written order terminating the claimed status review proceeding or allowing the respondent to withdraw his/her application for admission as appropriate.

VIII. Conclusion – My goal in preparing this outline is to help the new immigration judge understand the significance of the U.S. citizenship issue in various types of immigration proceedings, to help the judge recognize the existence of a potential claim to U.S. citizenship in these proceedings, to provide some very basic insight into the substantive areas of citizenship law most commonly seen by IJs and to give you, as a new judge, a practical procedural and analytical framework to take back to your courtroom to address U.S.

citizenship issues when they arise. I hope that this outline will serve as a helpful training tool for you now and as useful reference on your bench when a citizenship claim arises in your courtroom in the future.